

FEDERAL DEFENDANTS' EXHIBIT C

Wagner v. U.S. Dep't of Energy
Civil No. 08-00136-HG-KSC (D. Haw.)

FILED

JUN 22 1999

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WALTER L. WAGNER,

Plaintiff,

v.

U.S. DEPT OF ENERGY,

Defendant.

No. C99-02226 MMC

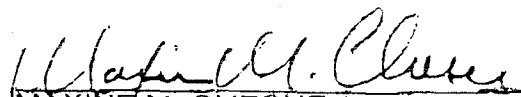
ORDER DENYING PLAINTIFF'S MOTION
TO RECONSIDER ISSUANCE OF A
TEMPORARY RESTRAINING ORDER

The Court is in receipt of plaintiff's motion, filed June 17, 1999, to reconsider issuance of a temporary restraining order in the above-captioned action. Plaintiff argues that the motion is justified because "the facts and circumstances of the case have sufficiently changed" to now justify issuance of a temporary restraining order.

There are at least two problems with plaintiff's motion. First, Local Rule 7-9(a) requires a party to obtain leave of Court to file a motion for reconsideration. Plaintiff has not obtained such leave of Court. Second, Local Rule 7-9(b)(1) requires that a movant demonstrate a material difference in law or fact and that in the exercise of reasonable diligence the movant did not know such fact or law at the time of the order. Assuming arguendo that any of the facts to which plaintiff directs the Court's attention are "new," plaintiff fails to demonstrate the requisite reasonable diligence. Accordingly, plaintiff's motion is hereby DENIED.

IT IS SO ORDERED.

Dated: JUN 22 1999


MAXINE M. CHESNEY
United States District Judge